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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,649	09/21/2001	Vivian Pecus	4940/1M	5265

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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/960,649

Applicant(s)

PECUS ET AL.

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/6/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/21/2001
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the signatures of inventors Mark Kalmbach and Aaron D. Falk are not provided.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1 and 4 contain the acronym "NOC" without definition. All acronyms should be introduced in the claims with the full written definition, i.e. "Network Operations Center (NOC)."

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

Art Unit: 2153

the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Olds et al. (USPN 6,691,274).

7. Regarding claim 1, Olds et al. (USPN 6,691,274) teaches an edge node that received content from a NOC via a satellite link and distributes it to a last mile service provider, the edge node comprising:

- a. One media server capable of serving both live and non-live content (figure 1). Note that there is a media server in network 26 capable of sending data to the video on demand server.
- b. A private VLAN that receives content from the satellite link and distributes it to the media server (figure 1, element 22, column 3, lines 4-15). Note that this can be any type of LAN.
- c. A public VLAN that transmits the received content from the server to a last mile server (figure 1, element 26; column 3, lines 37-41).
- d. Where the media server is connected to both the public and private VLANs; and where the media server, private VLAN, and public VLAN exist in a single computer (figure 1, element 26; column 3, lines 32-45). Note that the server in network 26 has access to all these functions.

Art Unit: 2153

8. Regarding claim 4, Olds et al. (USPN 6,691,274) teaches an edge node that receives content from a NOC via a satellite link and distributes it to a last mile service provider, the edge node comprising:

- a. A processor that executes code for serving both live and non-live content (figure 1). Note that there is a media server in network 26 capable of sending data to the video on demand server.
- b. A satellite interface, connected to the processor, that receives content from the satellite link (figure 1, element 18, 22).
- c. A wire network interface, connected to the processor, for transmitting content to the last mile service provider (figure 1; column 3, lines 4-15).
- d. Where the processor, satellite interface, and wire network interface exist in a single personal computer (figure 1, element 26; column 3, lines 32-45)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olds et al. (USPN 6,691,274) in view of Wiedeman et al. (USPN 6,654,347).

Art Unit: 2153

11. Regarding claim 2, although the system disclosed by Olds et al. (USPN 6,691,274) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose a VPN connecting the public VLAN to the private VLAN.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Olds et al. (USPN 6,691,274) as evidenced by Wiedeman et al. (USPN 6,654,347).

In an analogous art, Wiedeman et al. (USPN 6,654,347) discloses a system for A system for communication between VLANs wherein a VPN connecting the public VLAN to the private VLAN (abstract; column 10, lines 41-60).

Given the teaching of Wiedeman et al. (USPN 6,654,347), it would be obvious to one of ordinary skill in the art to modify the system of Olds et al. (USPN 6,691,274) by connecting the two VLANs via a VPN. This benefits the system by allowing for secure communication between the two VLANs in operation.

12. Regarding claim 3, although the system disclosed by Olds et al. (USPN 6,691,274) (as applied to claim 2) shows substantial features of the claimed invention, it fails to disclose means wherein the VPN allows access to the private VLAN from a remote location.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Olds et al. (USPN 6,691,274).

Art Unit: 2153

It would be obvious to one of ordinary skill in the art to modify the system of Olds et al. (USPN 6,691,274) by allowing remote connection to the private VLAN. This benefits the system by allowing remote users (such as the administrator of the last mile provider) to access the private VLAN.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see Davidson et al. (USPN 6,735,184).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2153

Kevin Parton  
Examiner  
Art Unit 2153

ksp



FRANTZ B. JEAN  
PRIMARY EXAMINER